



STATE OF MICHIGAN

DEPARTMENT OF NATURAL RESOURCES
LANSING

JENNIFER M. GRANHOLM
GOVERNOR

REBECCA A. HUMPHRIES
DIRECTOR

	April 11, 2005
RESUBMITTED	May 7, 2005
RESUBMITTED	June 6, 2005
RESUBMITTED	June 30, 2005

Memorandum to the Natural Resources Commission:

SUBJECT: Furbearer Regulations

Authority:

The Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, authorizes the Director and the Commission to issue orders to manage wild animals in this state.

Discussion and Background:

This order recommends that larger furbearers such as coyote, fox, raccoon, bobcat, and badgers in traps may be killed using rimfire firearms of .22 caliber or less. This method of dispatch is a safe, effective, and humane method for larger furbearers. This order will apply to holders of a valid furtakers license, but shall not apply to holders of a junior furharvesters-trap only license.

The Michigan Animal Damage Control Association (MADCA) has requested that licensed nuisance animal control operators be allowed to use colony or multiple catch traps while conducting wildlife control measures on private lands. This order proposes to authorize animal nuisance control operators to use colony or multiple catch traps for species other than muskrat, and to use colony traps for muskrats so long as they comply with the size requirements in 3.600 (5).

This order recommends a requirement that trappers and hunters register a bobcat within ten days of the end of the season in which it was taken. This will improve the accuracy of harvest location data and expedite the collection of information for those areas that have earlier closing dates. This change will also assist law enforcement and reduce illegal harvest.

NATURAL RESOURCES COMMISSION

Keith J. Charters-Chair • Mary Brown • Bob Garner • Gerald Hall • John Madigan • Frank Wheatlake

STEVENS T. MASON BUILDING • P.O. BOX 30028 • LANSING, MICHIGAN 48909-7528
www.michigan.gov/dnr • (517) 373-2329

This order makes recommendations for several changes to the fox and coyote snaring regulations. Snares are intended to be used as non-lethal restraining devices. These changes are recommended in response to concerns about lethality of snares to non-target species such as bobcat, raptors, and domestic dogs. Proposed changes include:

- requiring two swivels, one of which is at the anchor point
- specifying a maximum cable length of 60 inches, with up to a 36 inch anchor cable extension
- requiring the breakaway to be attached to the relaxing lock
- reducing the breakaway maximum strength from 350 to 285 pounds
- adding language to define a relaxing lock as a snare lock that allows the snare loop to loosen slightly to reduce the possibility of strangulation.

This order further recommends that the minimum size of stops on snares be increased to four and one-quarter inches. This change is recommended in order to decrease the potential lethality of snares for non-target species.

This order makes recommendations to add additional language prohibiting snare entanglement and further reduce the potential lethality of snares.

This order recommends that all snares in use, carried afield, or in possession, be required to have a metallic tag attached which bears the user or owner's name and address or their complete Michigan driver's license number. This recommendation should improve enforceability of the snaring regulations.

This order recommends that a daily trap check in Zones 2 and 3 and a 48-hour trap check in Zone 1 be required for restraining traps such as foothold traps and snares. This proposed change is in response to concerns about lethality to non-target species. Recent surveys also indicate that the average trapper in Michigan sets fewer than 12 traps or snares on any given day. A furtaker survey conducted by Michigan State University in 2003 found that 90% of trappers could check their traps once each 24 hours. The DNR recently compared trap check requirements in 10 eastern and mideastern states. The State of Michigan currently has the longest trap check time requirement of the states surveyed. Eight of the ten states surveyed require 24-hour or daily trap checks.

This order recommends that the coyote hunting season in Zone 2 be closed during the November 15-30 deer season, as it is currently in Zone 1. The presence of wolves in portions of the Northern Lower Peninsula has been confirmed, and the species remains federally listed as Endangered at this time. This change should reduce the potential for wolves to be mistaken for coyotes and killed during the deer season.

This order clarifies that a landowner or their designee who takes a raccoon or coyote doing or about to do damage on their property shall be considered a permittee. A written permit is not required, and the person shall be authorized to take raccoon or coyote all year by otherwise lawful hunting and trapping methods.

Recommendation:

This order was submitted for information in April 2005, resubmitted for action at the May 5, and June 2, 2005 Natural Resources Commission meetings. This item appeared in the April 29, 2005 Calendar. This late memo is prepared in response to the results of an ad hoc workgroup and is eligible for approval at the July 7, 2005 Natural Resources Commission meeting. We are now recommending that it be acted upon at this meeting.

William E. Moritz, Chief
Wildlife Division

Alan Marble, Chief
Law Enforcement Division

Arminda S. Koch
Resource Management Deputy

Dennis Fedewa
Chief Deputy

I have analyzed and discussed these recommendations with staff and concur as to matters over which the Natural Resources Commission has authority.

Rebecca A. Humphries
Director

WILDLIFE CONSERVATION ORDER

Amendment No. 9 of 2005

Under the authority of sections 40107 and 40113a, Act No. 451 of the Public Acts of 1994, as amended, being sections 324.40107 and 324.40113a of the Michigan Compiled Laws, the Natural Resources Commission and the Director of the Department of Natural Resources ordered that effective July 8, 2005, the following sections of the Wildlife Conservation Order shall read as follows:

3.600 Fur-bearing animals; use of firearms; traps and catching devices; use of bait; unlawful acts.

Sec. 3.600. It shall be unlawful for any person:

(1) To use a firearm to take marten, muskrat, beaver, otter, mink, fisher, or badger, except as permitted by authority of a nuisance control permit issued by the department. Rimfire firearms .22 caliber or smaller may be used to kill coyote, fox, raccoon, bobcat, and badger in traps, except for youths trapping with a junior fur harvester-trap only license.

(2) Except as provided by subsection (3), to use or have in possession in areas frequented by animals, a catching device of any kind for the taking of animals unless the name and address in legible English or the complete Michigan driver license number of the user or person possessing the device is permanently etched in the catching device, or there shall be securely fastened to each catching device a metallic plate or tag bearing the name and address in legible English or the complete Michigan driver license number of the user or person possessing the catching device.

(3) To use, carry afield, or have in possession 1 or more snares unless they have attached a metallic tag or plate securely fastened which bears the name and address in legible English or the complete Michigan driver's license number of the user or person possessing the catching device.

(4) To use or have in possession 1 or more snares securely attached to a pole unless the uppermost end of the pole has a metallic plate or tag securely fastened which bears the name and address in legible English or the complete Michigan driver license number of the user or person possessing the catching device.

(5) To use a multiple catch or colony trap except for the taking of muskrat and provided that the trap is completely submerged below the water. Colony traps must be constructed of steel and shall be no larger than 6 inches in height, 6 inches in width, and 24 inches in depth. This order shall not be construed to prohibit use of colony or multiple catch traps used by nuisance control operators for species other than muskrat.

(6) To stake, put out, or set a catching device of any kind for the taking of a fur-bearing animal at any time preceding the day on which the open season for the taking of such fur-bearing animal begins.

(7) To use a foothold trap with a jaw spread exceeding a number 2 foothold trap for the taking of mink or muskrat except as may be provided by this order for the incidental take of muskrat during the beaver and otter season. It shall also be unlawful to use any kind of a trap other than a foothold or body gripping or conibear type trap to take fur-bearing animals except as permitted under the provisions of subsection (4).

(8) To use any portion of any animal or bird protected by the laws of this state as bait for the purpose of trapping any animal in this state. This subsection shall not be construed to prohibit a person from using the carcasses of fur-bearing animals, woodchuck, or red squirrel, lawfully taken, as bait.

(9) A trap shall not be set on a beaver dam or lodge unless the trap is totally submerged below the water.

(10) To set a body gripping or conibear type trap larger than 6 inches in diameter on dry land or over frozen submerged bottomlands on publicly owned lands or commercial forest lands as defined by section 51101, Part 511, Commercial Forests, of the Natural Resources and Environmental Protection Act, Act No. 451 of the Public Acts of 1994, being section 324.51101 of the Michigan Compiled Laws, unless the trap is 4 feet or more above dry ground or the frozen surface of the ice, as applicable, or the trap is placed in a box or similar container in such a manner that the trap is not accessible to dogs.

(11) To set a trap within 50 feet of any water in zone 1 before October 25, or within 50 feet of any water in zone 2 before November 1, or within 50 feet of any water in zone 3 before November 10, except for the following catching devices:

(a) A duffer-type, egg-type, or similarly designed leghold trap which by construction will selectively capture raccoon.

(b) A body gripping or conibear trap placed 4 feet or more above the ground.

(12) To set a catching device designed to hold an animal alive unless any catch is released or removed upon checking the catching device. Restraining type traps and snares designed to hold an animal alive shall be checked at least once daily in Zones 2 and 3 and within a 48 hour period in Zone 1, except as noted in Section 5.52 (8).

3.605 Raccoon hunting, seasons; taking raccoons doing or about to do damage, person taking considered permittee.

Sec. 3.605. (1) The open season for taking raccoon by hunting shall be October 1 to January 31, except that the open season for nonresidents taking raccoon by hunting shall be November 15 to January 31.

(2) A property owner or their designee may take raccoon all year on property owned by the person when raccoons are doing or are about to do damage to the person's property. A person taking a raccoon under the authority of this subsection shall be considered a permittee as defined by section 5.50 of this order. A written permit is not required, and the person shall be authorized to take raccoon all year by otherwise lawful hunting and trapping methods. Notwithstanding the other provisions of this order, a person taking raccoon under the authority of this subsection may take raccoon at night from July 15 to September 14 using artificial lights, similar to the type ordinarily held in the hand or on the person, in possession of an unloaded firearm while following dogs and at the point of kill for the purpose of taking raccoons if using a rimfire firearm .22 caliber or smaller.

3.608 Bobcat open seasons, season limit, closed areas, restrictions; kill tags and tagging requirements; registration requirements; unlawful acts.

Sec. 3.608. (1) The open season for taking bobcat by trapping shall be October 25 to March 1 in bobcat management units A and B. The open season for taking bobcat by hunting in bobcat management units A and B shall be from December 1 to March 1.

(2) A person shall not take a bobcat by means of hunting or trapping in that area of zone 2 not included in bobcat management units C and D. The hunting season in bobcat management unit C shall be from January 1 to March 1. The hunting season in bobcat management unit D shall be from January 1 to February 1. The trapping season in bobcat management units C and D shall be from December 10 to December 20, on private lands only.

(3) A person shall not take a bobcat in zone 3.

(4) The season limit shall be 2 bobcat per person except no person shall take more than 1 bobcat from bobcat management unit B, and no more than 1 bobcat in bobcat management units C and D combined.

(5) Through the last day of the open bobcat season, a person issued a fur harvester's license may obtain a free bobcat kill tag at any department office that sells hunting licenses. A person who intends to hunt or trap bobcat shall request and be issued up to 2 free bobcat kill tags. A person shall not sell, loan, or permit in any manner another person to use the person's bobcat kill tag or use or attempt to use another person's bobcat kill tag. A person who kills

a bobcat shall immediately validate the kill tag by notching out the appropriate information on the tag and attach the kill tag to the hide of the bobcat from the upper jaw to the eye socket or through the lower jaw of the bobcat in a secure and permanent manner. A person shall not tag a bobcat with a kill tag that is not valid for the unit in which the bobcat is taken. This kill tag shall remain attached to the bobcat until the animal is registered and sealed by the department. A person shall not possess a bobcat or bobcat hide that is not tagged with a validated kill tag unless a department seal is attached as provided by subsection (6).

(6) A person that kills a bobcat shall present the pelt and skull or pelt and an undamaged canine tooth of the bobcat to a designated department employee to be registered and sealed no later than ten days following the close of the season in which the animal was taken. The pelt shall be presented for sealing in person by the fur harvester that killed the animal and shall not be presented for sealing or registration by another person. The person presenting the bobcat pelt shall display their fur harvester license, including identification used to acquire the license, and shall provide harvest information as requested by the department employee. The department employee shall retain the skull or undamaged canine tooth and attach an official seal to the pelt of each bobcat presented for examination and shall lock the seal upon the hide in such a manner that it cannot be removed without cutting or ripping the bobcat pelt or damaging the seal. Once an official seal is attached by the department, it shall not be removed from the bobcat pelt until the bobcat pelt is processed or tanned. Subsequent to ten days following March 1, it shall be unlawful to possess a bobcat pelt without an official department seal attached unless the pelt has been processed or tanned or the bobcat season is open.

3.609 Fox hunting and trapping and coyote trapping, seasons; use of snares, conditions; prohibited acts.

Sec. 3.609. (1) The open seasons for taking fox by trapping or hunting and coyote by trapping shall be October 15 to March 1.

(2) Notwithstanding other provisions of this order, a person may use a snare from January 1 to March 1 to take fox and coyote if, in addition to the other requirements of section 3.600, all of the following conditions are met:

(a) Snares shall not be placed on publicly owned land or commercial forest lands as defined by section 51101, Part 511, Commercial Forests, of the Natural Resources and Environmental Protection Act, Act No. 451 of the Public Acts of 1994, being Section 324.51101 of the Michigan Compiled Laws.

(b) Snares shall be made of 1/16 inch or larger cable, with a maximum length of 60 inches, not including a cable anchor extension. Up to a 36 inch cable anchor extension may be used.

(c) The snare loop shall not exceed 15 inches in diameter.

(d) The top of the snare loop shall not be set more than 24 inches above the ground, or when the ground is snow covered, shall not be set more than 24 inches above the compacted snow in the person's footprint which has been placed beneath the snare with the full body weight of the person.

(e) All snares shall have a relaxing lock, defined as a snare lock that will allow the snare loop to loosen slightly to reduce the possibility of strangulation.

(f) All snares shall have a stop to prevent the loop of a snare from closing to a diameter less than 4 1/4 inches.

(g) All snares shall be equipped with a break-away lock system with a breaking point not greater than 285 pounds. Breakaway devices must be attached to the relaxing lock.

(h) Snares shall not have any type of drag attached and shall be affixed to a stake or other object of sufficient strength to hold a fox or coyote at the point of capture. A snare shall not be attached to a fence or set in a manner that would allow an animal captured in the snare to become entangled with a fence. Snares may be anchored to woody vegetation provided that it is clear of branches or stubs up to a height of 5 feet above the ground or compacted snow. Stubs and branches must be cut flush with the outer bark of the main stem. Snares may not be set in a manner that would allow an snared animal to be suspended with two or more feet off the ground.

(i) Snares shall be equipped with two swivels, one of which will be at the anchor point.

(j) Snares shall not utilize any type of spring pole, counterbalanced weight, spring, or other device to assist in closing the snare.

(k) Except as provided in section 3.607 for the taking of beaver, section 3.610 for the taking of nuisance coyote and sections 5.51 and 5.52 for the taking of other nuisance animals, snares shall not be placed, used or carried afield, whether operable or inoperable, after the close of the fox and coyote trapping season.

3.610 Coyote hunting, season; exceptions; fur harvester's license not required to hunt; taking coyote doing or about to do damage, person taking considered permittee.

Sec. 3.610. (1) The open season for taking coyote by hunting shall be July 15 to April 15 except:

(a) Coyotes may be taken all year on private property by the property owner or their designee when coyotes are doing or about to do damage to their property. A person taking a coyote under the authority of this subsection shall be considered a permittee as defined by section 5.50 of this order. A written permit is not required, and the person shall be authorized to take coyote all year by otherwise lawful hunting and trapping methods.

(b) Coyotes shall not be taken from November 15 to November 30 in zone 1 and 2 except as provided under subdivision (a).

(c) Coyotes shall not be taken in state park and recreation areas from April 1 to September 14.

(2) A person taking coyote under the authority of subdivision (1) (a) shall be considered a permittee as defined by section 5.50 of this order, and the person shall be authorized to take coyote without a license all year by otherwise lawful hunting and trapping methods.

(3) A resident possessing a small game license may hunt coyote without securing a fur harvester's license.

5.52 Nuisance animal control businesses, public nuisance animal control agencies and non-profit nuisance animal control organizations, permit issuance; requirements.

Sec. 5.52. The wildlife permit specialist may issue a permit to a reputable nuisance animal control business, public nuisance animal control agency, or non-profit nuisance animal control organization for the purpose of taking certain animals causing damage to personal or real property. A person issued a permit under this section is subject to all of the following requirements:

(1) Permits shall expire on the third March 31 after the date of issue.

(2) Permittees may, upon verifying the complaint of any person suffering damage or nuisance, effect control measures at any time of year within cities, villages, or townships closed to hunting or prohibiting the discharge of firearms. In other areas of the state, permittees may, upon verifying the complaint of any person suffering damage or nuisance, effect control measures from April 1 to September 30. Notwithstanding the other provision of this subsection, permittees may, upon verifying a complaint of damage or nuisance, effect control measures at any time of year within the curtilage of the complainant. For the purposes of this subsection, "curtilage" means the dwelling house, associated buildings, and associated yard used for domestic purposes. Control measures in areas and at times not otherwise provided by this subsection shall only be initiated on those complaints referred to the permittee by a wildlife biologist or conservation officer.

(3) Permittees shall be authorized to undertake control measures on the premises of the complainant for the control of bats that are not threatened or endangered and the control of coyote, fox, weasels, mink, raccoon, skunk, opossum, woodchuck, badger, muskrat, squirrels, ground squirrels, rabbits, English sparrows, feral pigeons, starlings, and crows. Permittees shall also be authorized to undertake control measures on the premises of the complainant on beaver on private lands in zone 3 during the closed season; however, beaver shall not be live trapped and relocated or translocated without authorization of the wildlife management unit supervisor. Control of damage

by other wildlife shall be undertaken only as authorized by a wildlife biologist or conservation officer. Control of damage caused by protected migratory birds shall require a federal permit.

(4) To effect control measures, permittees may use foothold traps, body gripping or conibear type traps, live traps, firearms if possessed and used in compliance with all applicable state, local, and federal firearm laws and colony or multiple-catch traps for species other than muskrat. Colony traps may be used for muskrat if used in compliance with subsection 3.600(5). To effect control measures, permittees may also use snares if one or more of the following conditions are met:

(a) Year around for permitted species within the curtilage of the complainant.

(b) Year around for permitted species upon the premises of the complainant if completely submerged in underwater sets.

(c) Year around outside the curtilage upon the premises of the complainant in the Lower Peninsula for the control of fox and coyote if the snare meets the requirements of subsection 3.609(2), subdivisions (b) through (j).

(5) Permittees may sell live nuisance feral pigeons live trapped during legitimate nuisance control operations.

(6) A dead animal taken by means other than pesticides during the open season for that animal may be disposed in any manner provided by section 4.3 of this order if the person disposing of the animal is licensed to take the animal under part 435, hunting and fishing licensing, of the natural resources and environmental protection act, Act No. 451 of the Public Acts of 1994.

(7) Non-profit nuisance animal control organizations shall comply with all rules and regulations for permittees. The permit shall be issued in the name of an official of the organization. The person to whom the non-profit nuisance animal control permit is issued shall not authorize any employee or volunteer of the organization to undertake control measures without providing the employee or volunteer a copy of the permit countersigned by that person. An employee or volunteer undertaking nuisance animal control measures shall produce a copy of the countersigned permit upon demand of a police or peace officer.

(8) All live traps, foot-hold traps, and other catching devices which are designed and used in a manner to trap or capture animals alive shall be checked daily. All traps and catching devices used under the authority of a permit issued under this section shall be marked as provided by section 3.600, subsections (2) and (3), except that the trap or catching device shall be marked "permit no." followed by the permittee's permit number, and the business name, and business phone number of the permittee.

(9) Captured animals shall not be released from or upon a public roadway or right of way. Captured animals shall not be released upon the lands of another person, whether private or public lands, without the consent of the landowner or land manager.

(10) All animals, which the permittee is authorized to take, shall be taken and disposed of in a manner to ensure humane handling or killing. Captured animals shall not be held longer than 24 hours unless requested by a department representative, or by a physician or public health official for public health reasons. Captured animals shall not be euthanized except by methods recommended and approved by the department.

(11) Any control measures undertaken by the permittee shall be considered a contractual agreement between the permittee and the complainant. The cost of control effected under the authority of a permit is the responsibility of the permittee.

(12) The department shall not be liable for any damage suffered by a complainant as a result of the performance of the permittee operating under the authority of a permit.

Issued this 7th day of July, 2005.

Approved as to matters over which the Natural Resources Commission has authority.

Keith J. Charters, Chairman
Natural Resources Commission

Approved as to matters over which the Director has authority.

Rebecca A. Humphries
Director